TESTIMONY IN FAVOR OF HB 136
SENATE BUSINESS, LABOR & ECONOMIC AFFAIRS COMMITTEE
JERRY KECK, ADMINISTRATOR
EMPLOYMENT RELATIONS DIVISION
DEPARTMENT OF LABOR AND INDUSTRY
MARCH 10, 2009

Mr. Chairman, members of the committee, my name is Jerry Keck. I am the administrator in the Employment Relations Division of the Department of Labor and Industry. The Employment Relations Division is responsible for providing staff support to the Board of Personnel Appeals (BOPA). BOPA hears disputes arising out of the Montana Collective Bargaining Act that applies to public sector employers and the unions representing their employees.

First, I would like to thank Rep. Boland for carrying this bill. HB 136 is a pretty simple, straightforward bill. It is intended to correct an inconsistency identified in a legislative audit. (Pass out audit finding). We agreed with the legislative auditor and requested this bill. As Rep. Boland has pointed out, during the House discussion of this bill several people reading the language of the bill as drafted believed it did not clearly give the Governor authority to appoint the substitute members for a 4 year term. That has been the practice for the past 10 years and all we are trying to accomplish is to codify the current practice to correct the audit finding. So the amended version of the bill that was approved in the House we believe makes the intent and purpose clear. We also believe it accomplishes the goal in a simpler manner and actually shortens the section of statute that authorizes BOPA.

Section 1 of the bill adds to subsections (3) (a) (i), (ii), and (iii) authority for the Governor to appoint a substitute member for each category of regular board members. We believe this amended version of HB 136 is a more direct, artful, and simple way to accomplish the desired outcome than the original language that was proposed.

Mr. Chairman, members of the committee, the Department requests that you support HB 136. I am happy to try to answer any questions. Thank you.